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EXAMINER

BACHNER, REBECCA M

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 07/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/915,301

Applicant(s)

RIGGS ET AL.

Examiner

Rebecca M Bachner

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The following is a Final Office Action in response to the communication received on April 21, 2003. The examiner has also reviewed the Preliminary Amendment filed on July 27, 2001. Claims 1-45 are still pending.

Response to Amendment

2. Applicant's amendment to claims 31 and 40 are sufficient to overcome the objection set forth in the previous Office Action.

Applicant's arguments regarding the 101 rejections of claims 1-21 are sufficient to overcome the rejection set forth in the previous Office Action. However, a 101 rejection remains for claims 32-45.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 32-45 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a non-statutory subject matter. For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract that do not apply, involve, use, or advance the technological arts fail to promote the progress of science and the useful arts and are therefore non-statutory. For a method claim, the recited process must somehow apply, involve, use, or advance the technological arts. In the present case, the method of arranging for the shipment of goods from an origin to

Art Unit: 3623

a destination retrieves routing and carrier information, determines a route for the shipment of goods, and schedules the shipment of goods. However, all of these steps do not currently apply, involve, use, or advance the technological arts as no computer or machine implemented process is claimed.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 5-6, 8-11, 13, 15-17, 19-25, 32, 34-37, and 40-41, are rejected under 35 U.S.C. 102(b) as being anticipated by Wojcik et al. (U.S. P.N. 5,758,329).

As per claim 1, Wojcik et al. discloses an integrated logistics system for managing the shipments of goods supplied from a plurality of different shippers by a plurality of carriers, said system comprising:

a purchasing module evaluating proposals by shippers for respective shipments of goods and awarding contracts for the shipments to the plurality of carriers (see column 1, lines 53-62, column 4, lines 35-58, and column 5, lines 9-21, a purchasing module awards contracts with shippers and customers using the order fulfillment function);

Art Unit: 3623

an optimization module analyzing the proposals and informing the purchasing module if an opportunity exists for at least some of the shipments to be consolidated, in which case at least one contract awarded by the purchasing module is for a consolidated group of the shipments (see column 8, line 55, through column 10, lines 41, shipments are consolidated);

a contract administration module maintaining information relating to the status of proposals received and contracts awarded by the purchasing module (see column 2, lines 35-58, information about the proposals and contracts awarded are maintained and placed in reports);

see
column
10

a scheduling module scheduling shipments according to the awarded contracts (see column 7, line 32, through column 8, line 36, the shipments are scheduled and contracts are awarded to the carriers);

a shipment management module tracking the status of shipments awarded by the purchasing module and scheduled by said scheduling module (see column 7, lines 41-65, the status of the shipment is tracked using the shipment tracking function); and

a financial module authorizing payments according to the status of shipments tracked by the shipment management module (see column 5, line 60, through column 6, line 23, the financial module authorizes payments throughout the shipment).

As per claim 2, Wojcik et al. discloses an integrated logistics system according to claim 1, wherein the plurality of carriers includes ship owners and the logistics system

Art Unit: 3623

includes a tanker planning module (see figure 14, and column 9, lines 2-28, the carriers include ship owners and a logistics system).

As per claim 3, Wojcik et al. discloses an integrated logistics system according to claim 2, wherein the tanker planning module includes a partitioned relational database storing collaborative data relating to shippers, freight forwarders and ship owners (see figure 14, and column 9, lines 2-28, a database stores data relating to shippers and freight forwarders and ship owners).

As per claim 5, Wojcik et al. discloses an integrated logistics system according to claim 1, further comprising a data warehouse module storing operations data received from the shipment management module and commercial data received from the financial module (see figure 7, and column 5, line 60, though column 6, line 55, the shipment, commercial and financial information is stored).

As per claim 6, Wojcik et al. discloses an integrated logistics system according to claim 5, wherein the data warehouse module selects, filters, aggregates and repackages said operations data and commercial data to generate data mining, metrics and predetermined reports, and customizable reports (see column 4, lines 36-58, the data is filtered to create customized reports).

As per claim 8, Wojcik et al. discloses an integrated logistics system according to claim 1, further comprising a carrier management module which tracks the performance of carriers and generates ratings of the carriers (see column 6, lines 56-67, the customer can rate the carriers).

As per claim 9, Wojcik et al. discloses an integrated logistics system according to claim 8, wherein the carrier management module receives information from the front-end interface of a data warehouse module (see column 4, lines 18-58, the GUI interfaces with the customers and receives and stores information).

As per claim 10, Wojcik et al. discloses an integrated logistics system according to claim 8, wherein the carrier management module receives metric requirements from the contract administration module (see column 11, line 55, through column 12, line 8, the carrier must pass certain requirement standards for the shipment).

As per claim 11, Wojcik et al. discloses an integrated logistics system according to claim 8, wherein the carrier management module receives exception information indicating shipment problems from an exception queue in the shipment management module (see figure 16, column 13, lines 27-65, and column 15, lines 46-58, all shipment problems are recorded).

Art Unit: 3623

As per claim 13, Wojcik et al. discloses an integrated logistics system according to claim 12, wherein the purchasing module blocks an award of a shipment to a carrier according to information maintained in the regulatory module (see column 11, lines 4-13 and 55, through column 12, line 8, a carrier may be blocked from delivering a shipment if it does not pass certain requirements for the shipment).

As per claim 15, Wojcik et al. discloses an integrated logistics system according to claim 1, wherein the shipment management module includes a relational database logging and storing all of the shipment records of the shipments awarded by the purchasing module and scheduled by said scheduling module (see figures 3-5, column 4, lines 36-59, and column 6, lines 9-45, the customer information is stored and order fulfillment, such as purchasing and scheduling, occurs).

As per claim 16, Wojcik et al. discloses an integrated logistics system according to claim 15, wherein the shipment management module includes a data management tool managing the viewing and/or updates of the data in the relational database in a secure change environment (see figures 3-5, column 4, lines 36-59, customer information is stored and reports are created with updated information).

As per claim 17, Wojcik et al. discloses an integrated logistics system according to claim 15, wherein the relational database in the shipment management module receives information from the shipper and carrier for each shipment, the contract

Art Unit: 3623

administration module, and the scheduling module (see figures 3-5, and column 10, line 50, through column 11, line 30, the supplier receives information about the carriers and the carriers schedules are considered).

As per claim 19, Wojcik et al. discloses an integrated logistics system according to claim 15, wherein the shipment management module computes inventory data to calculate the position and amount of inventory in the shipments tracked by the shipment management module (see figure 21, column 16, lines 18-40, the inventory data is tracked).

As per claim 20, Wojcik et al. discloses an integrated logistics system according to claim 15, wherein the shipment management module provides information on the location and status of equipment of a given shipper or carrier (see column 7, lines 41-65, the shipment is tracked, through the shipping tracking function, to determine information about its status and location).

As per claim 21, Wojcik et al. discloses an integrated logistics system according to claim 15, wherein the shipment management module includes an audit system allowing changes to shipment records in the relational database to be controlled and tracked per audit protocols and viewing of the history and changes made to/during a shipment (see column 14, line 60, through column 15, line 32, the audit with the Bill of Lading discloses the history and any changes made during the shipment).

As per claim 22, Wojcik et al. discloses an integrated logistics system according to claim 15, wherein the shipment management module forwards an electronic authorization for payments to the financial module according to the shipments records in the relational database (see column 4, lines 36- 58, and column 14, line 60, through column 15, lines 32, the payments are authorized and recorded with the shipments).

As per claim 23, Wojcik et al. discloses an integrated logistics system according to claim 1, wherein the contract administration module permits minor changes to a contract awarded by the purchasing module by coordinating change requests and change response messages between the shipper and the carrier (see column 12, lines 38-52, minor changes to the contract is allowed and coordinated by the shipper and carrier).

As per claim 24, Wojcik et al. discloses an integrated logistics system according to claim 1, wherein the scheduling module receives electronic data from a shipper for a shipment and forwards said data to the corresponding carrier via a distributed communications network and XML (see column 11, lines 14-29, the supplier and carrier correspond through a communications network).

As per claim 25, Wojcik et al. discloses an integrated logistics system according to claim 24, wherein the scheduling module matches and synchronizes the timing of

Art Unit: 3623

notification, booking or offer of the shipment with the carrier and automatically notifies the shipper that the shipment has been confirmed (see column 11, lines 14-29, the scheduling of the shipment is confirmed with the carrier).

As per claim 32, Wojcik et al. discloses a method of arranging for the shipment of goods from an origin to a destination, said method comprising:

retrieving routing information for a plurality of different transport modes (see column 10, lines 54-67, the information about the routes is stored);

retrieving carrier information relating to each one of a plurality of different carriers for each one of said plurality of different transport modes (see column 10, lines 54-59, the information about the carriers is stored);

determining a routing for the shipment of goods from said origin to said destination based on said retrieved routing information (see column 10, lines 60, through column 11, line 30, the route for the goods is determined based on routing and the carrier); and

scheduling the shipment of goods from said origin to said destination based on said carrier information (see column 7, line 32, through column 8, line 36, the shipments are scheduled based on carrier information).

As per claim 34, Wojcik et al. discloses a method according to claim 32, wherein the scheduled shipment of goods is arranged using a third party logistics system (see

Art Unit: 3623

abstract, the system of the invention is a third party determining the scheduled shipment of the goods).

As per claim 35, Wojcik et al. discloses a method according to claim 31, wherein one of said plurality of different transport modes comprises truck transport (see figures 21, and 37-38, and column 8, lines 16-17, trucking is a type of transport mode).

As per claim 36, Wojcik et al. disclose a method according to claim 34, wherein said carrier information includes information relating to bulk truck carriers, truckload carriers, and less than truckload carriers (see column 11, lines 1-13, each truck carrier has a maximum weight it can carry, various cost rates, and service level considerations).

As per claim 37, Wojcik et al. discloses a method according to claim 34, wherein said shipment is scheduled using information unique to truck transport (see column 10, lines 54-59, and column 11, lines 1-13,)the shipment is scheduled using information unique to truck transport).

As per claim 40, Wojcik et al. discloses a method according to claim 31, wherein one of said plurality of different transport modes comprises containership transport (see column 8, line 55, through column 9, line 56, the items are combined and consolidated into containers).

As per claim 41, Wojcik et al. discloses a method according to claim 39, wherein said shipment is scheduled using information which is unique to containership transport (see column 8, line 55, through column 9, line 56, the items are combined and consolidated into containers using a system unique for container transport).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 7, 12, 14, 18, 26-31, 33, 38-39, and 42-45, rejected under 35 U.S.C. 103(a) as being unpatentable over Wojcik et al (U.S. P.N. 5,758,329).

As per claim 4, Wojcik et al. discloses an integrated logistics system according to claim 3. Wojcik et al. does not explicitly disclose wherein access to each partition in the relational database is selectively controlled and managed so that contracts between shippers and ship owners can be awarded by the purchasing module without revealing the confidential information of one party to the other. However, it is old and well known in the art to disclose a confidential purchasing and contract system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to

Art Unit: 3623

disclose a contract between Wojcik et al.'s suppliers and carriers without revealing confidential information as it ensures each side's privacy.

As per claim 7, Wojcik et al. discloses an integrated logistics system according to claim 6. Wojcik et al. does not explicitly disclose wherein the data warehouse module includes a front-end interface offering secured access and controlled transfer between the data warehouse module in computer readable format. However, it is old and well known in the art to have a system with secured access and control. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose a secure access to control the information transferred as it ensures the information about the carriers and supplier is kept secret and safe.

As per claim 12, Wojcik et al. discloses an integrated logistics system according to claim 1. Wojcik et al. discloses enforcing and obeying government and industry regulations (see column 9, lines 61 through column 10, lines 4). Wojcik et al. does not explicitly disclose comprising a regulatory module collecting information from other modules of the system and providing reports related to health and safety or governmental regulations. However, it is well known in the art of shipping systems to create a regulatory module. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose a regulatory module and creating health and safety reports in order to ensure that Wojcik et al. obeys these regulations while determining an optimal carrier and an optimal load.

As per claim 14, Wojcik et al. discloses an integrated logistics system according to claim 12. Wojcik et al. disclosed ensure that the weight limits of the carriers adhered to regulations. However, Wojcik did not explicitly disclose wherein the regulatory module accesses the MSDS and TSR information maintained in the Enterprise Resource Planning software of a shipper. However, it is old and well known in the art to disclose a regulatory module that accessed ERP software information. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose a regulatory module accessing information from the ERP software as Wojcik et al. already adhered to the regulations and this would have made the system more efficient.

As per claim 18, Wojcik et al. discloses an integrated logistics system according to claim 15. Wojcik et al. also discloses auditing the shipment (see column 14, line 50, through column 15, line 32). Wojcik et al. does not explicitly disclose wherein the shipment management module receives or computes position data to audit and/or calculate current information on detention and to validate charges for detention. However, it is old and well known in the art to calculate information on detention. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to calculate current information on detention and to validate charges for detention as it would affect the overall cost of the shipment.

Art Unit: 3623

As per claim 26, Wojcik et al. discloses a method of arranging for the shipment of goods by one of a plurality of carriers, said method comprising:

maintaining carrier information relating to each one of said plurality of carriers in a centralized logistics system (see column 10, lines 54-59, and column 2-13, carrier information is maintained).

Wojcik et al. discloses choosing a carrier from a plurality of carriers and creating an agreement between the shipment of goods and the carrier (see column 10, line 54, through column 11, line 29). Wojcik et al. does not explicitly disclose receiving a proposal for the shipment of goods supplied from a shipper, said proposal including shipping information relating to the shipment of the goods and transaction information relating to the contract terms for the shipment; evaluating the proposal to select a carrier from among said plurality of carriers; and creating an electronic abstract of a contract between the shipper and the selected carrier for the shipment of goods identified in the proposal. However, it is old and well known in the art of shipping and transport of goods to have a shippers submit proposals for contracts and for a supplier to choose between carriers and reach an agreement stated in a contract. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose receiving a proposal and creating a contract for the shipping of supplies as it allows a supplier to know what services the carrier contains and the contract ensures that the goods will be supplied to the vendor from the supplier by the carrier.

Art Unit: 3623

As per claim 27, Wojcik et al. discloses a method of arranging for the shipment of goods as recited in claim 26. Wojcik et al. discloses confirming the carrier (see column 11, lines 14-29). Wojcik et al. does not explicitly disclose creating an electronic abstract of the response received from the selected carrier and confirming selection of the selected carrier with the shipper using the electronic abstract of the response. However, it is old and well known in the art to create a document (a contract or electronic abstract) between a supplier and carrier as it ensures that an agreement has been reached between the two parties. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for Wojcik et al. to create an electronic abstract between the supplier and carrier and Wojcik et al. does confirm the agreement using a fax machine and an electronic abstract would be a faster way to receive confirmation of the agreement.

As per claim 28, Wojcik et al. discloses a method of arranging for the shipment of goods as recited in claim 26, wherein the carrier information includes qualification information for each one of the plurality of carriers (see column 10, line 54, through column 11, lines 29, and column 11, line 55, through column 12, line 8, the supplier has stored information about the carriers including ratings on their ability and qualifications).

As per claim 29, Wojcik et al. discloses a method of arranging for the shipment of goods as recited in claim 28, wherein the qualification information indicates the ability of the plurality of carriers to ship different categories of goods (see column 10, line 54,

Art Unit: 3623

through column 11, lines 29, and column 11, line 55, through column 12, line 8, the supplier has stored information about the carriers including ratings on their ability).

As per claim 30, Wojcik et al. discloses a method of arranging for the shipment of goods as recited in claim 29. Wojcik et al. does not explicitly disclose wherein the different categories of goods include chemicals. However, the transporting of chemicals is old and well known in the art of transport and shipping. Therefore, it would have been obvious for Wojcik et al. to disclose transporting chemicals as Wojcik et al. did not only ship a certain type of material to the vendors and chemicals are just another product that can be placed on a truck.

As per claim 31, Wojcik et al. discloses a method of arranging for the shipment of goods as recited in claim 26. Wojcik et al. disclosed evaluating the potential carriers and selecting one of the potential carriers (see column 10, line 54, through column 11, line 29). Wojcik et al. does not explicitly disclose sending an electronic abstract of the proposal to the potential carriers; evaluating responses to the electronic abstract received from the potential carriers, said responses including shipping information supplied by the carrier relating to the shipment of the goods or transaction information relating to the contract terms for the shipment; and selecting one of the potential carriers for the on the basis of the responses to the electronic abstract and the carrier information maintained in said centralized logistics system. However, it is old and well known in the art of transport and shipping to have an electronic abstract (or written

Art Unit: 3623

contract or proposals) to review when deciding on a carrier and to select a carrier based on the abstract. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have electronic abstracts for evaluating the potential carriers as it would have assisted Wojcik et al. to decide what carrier to use for each shipment.

As per claim 33, Wojcik et al. discloses a method according to claim 31. As per claim 38, Wojcik et al. discloses a method according to claim 31. Wojcik et al. does not explicitly disclose wherein the scheduled shipment of goods from said origin to said destination is scheduled to use at least two different transport modes. However, it is old and well known in the art to transport supplies through multiple modes. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose using two different transport modes as Wojcik et al.'s method for determining the truck carrier could also be used to determine multiple methods of transport.

As per claim 38, Wojcik et al. discloses a method according to claim 31. Wojcik et al. does not explicitly disclose wherein one of said plurality of different transport modes comprises rail transport. However, it is old and well known in the art to transport supplies through rail. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose rail transport as Wojcik et al.'s method for determining the truck carrier would also work to determine a railway carrier.

Art Unit: 3623

As per claim 39, Wojcik et al. discloses a method according to claim 37. Wojcik et al. does not explicitly disclose wherein said shipment is scheduled using information which is unique to rail transport. However, it is old and well known in the art to transport supplies through rail. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose rail transport as Wojcik et al. could store information for rail transport shipments as Wojcik et al. already discloses truck carrier information. Furthermore, including railway carriers would expand the profitability of a shipping business.

As per claim 42, Wojcik et al. discloses a method according to claim 31. Wojcik et al. does not explicitly disclose wherein one of said plurality of different transport modes comprises bulk tanker transport. However, it is old and well known in the art to transport supplies through bulk tanker transport. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose bulk tanker transport as Wojcik et al.'s method for determining the truck carrier would also work to determine bulk tanker transport.

As per claim 43, Wojcik et al. discloses a method according to claim 41. Wojcik et al. does not explicitly disclose wherein said shipment is scheduled using information which is unique to bulk tanker transport. However, it is old and well known in the art to transport supplies to bulk tanker transport. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose bulk tanker

Art Unit: 3623

transport as Wojcik et al. could store information for bulk tanker transport shipments as Wojcik et al. already discloses truck carrier information. Furthermore, including bulk tanker transport would expand the profitability of a shipping business.

As per claim 44, Wojcik et al. discloses a method according to claim 31. Wojcik et al. does not explicitly disclose wherein one of said plurality of different transport modes comprises airfreight. However, it is old and well known in the art to transport supplies through the air. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose air freight as Wojcik et al.'s method for determining the truck carrier would also work to determine air freight and could expand his current business profitability.

As per claim 45, Wojcik et al. discloses a method according to claim 44. Wojcik et al. does not explicitly disclose wherein said shipment is scheduled using information which is unique to airfreight. However, it is old and well known in the art to transport supplies by air. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose air freight as Wojcik et al. could store information for air freight shipments as Wojcik et al. already discloses truck carrier information. Furthermore, including airfreight carriers would expand the profitability of a shipping business.

Response to Arguments

8. Applicant argues that: 1) Wojcik et al. does not teach orders from a plurality of shippers and carriers; 2) Wojcik et al.'s orders only request the purchase of the goods but do not involve or prescribe conditions for the shipment of the goods; 3) Wojcik et al. does not teach various transport modes (as recited in the receiving step); and 4) Wojcik et al. does not teach routing information as they mention only service areas which are served by the carriers. The applicant also argues 5) that it is not old and well known in the art for a supplier to receive the proposals from the shippers and select a carrier.

As per argument 1), Wojcik et al. discloses orders from a plurality of shippers and carriers. The ship owners are the carriers and the customers, who ship the items, are shippers. As disclosed in column 7, lines 41-65, there are a plurality of shippers and carriers as there is a carrier selection function to choose the carrier for a particular shipment. A plurality of shippers or carriers just means that there is more than one shipper or carrier. Wojcik et al. discloses that there is more than one carrier as there is a carrier selection function to choose the carrier. There is inherently more than one carrier if a carrier must be selected.

As per argument 2), the applicant does not explicitly claim that proposals involve or prescribe conditions for the shipment of the goods. The applicant in claim 1 merely recites orders, proposals, and contracts for shipping the goods. Wojcik et al. does teach, in column 8, lines 16-36, and column 10, lines 54-67, that the orders and proposals for the shipments are based upon conditions such as cost and time.

As per argument 3), the applicant does not explicitly disclose what are the different transport modes. In dependent claims 35 and 40, the applicant states that the transport mode includes truck and that the transport mode includes containership transport. Wojcik et al.'s transport includes trucks with and without containership transport. Furthermore, Wojcik et al. does disclose different transport modes as there are various types of trucks (see column 10, lines 54-59, there are different types of trucks since some contain special equipment and others do not).

As per argument 4), Wojcik et al. does teach routing information. In column 10, lines 54-57, through column 11, lines 1-30, the trucks are routed to different locations to pick-up and drop-off shipments. Wojcik et al. explicitly claims a driver using a route in column 17, lines 51-67, through column 18, lines 1-19. Therefore, Wojcik et al. does disclose routing the shipments.

As per argument 5), it is old and well known in the art for a supplier to receive the proposals from the shippers and select a carrier. As taught by Edward Marien in "Structuring the Shipper/Carrier Relationship" in Transportation & Distribution (July 1995), the supplier receives proposals from the shippers and selects a carrier. In the abstract and on page 2, paragraphs 6-15, Marien teaches receiving proposals from the shippers and then selecting a shipper based on the RFPs. Furthermore, William Augello in "Take it to the Limit" in Distribution (June 1994) discusses on page 1, paragraph 4, the idea of selecting the best quotes from carriers and collecting proposals to determine the best carrier.

Conclusion

9. No claims allowed.
10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Richardson, Helen in "Bad Bids are no Bargain" in Transportation & Distribution on February 1994 discloses receiving proposals from shippers.

Art Unit: 3623

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rebecca Bachner** whose telephone number is 703-305-1872. The examiner can normally be reached on Monday - Friday from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Tariq Hafiz** can be reached on **(703)305-9643**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

(703) 305-7687 Official communications; including After Final
communications labeled "Box AF"

(703) 746-7306 Informal/Draft communications, labeled " DRAFT"

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

RMB
June 27, 2003


TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600